



Notice City Commission Special Meeting

7:00 PM

Monday, June 27, 2016

Governmental Center, Commission Chambers, 400 Boardman Avenue

Traverse City, MI 49684

Posted and Published: 06-24-2016

The meeting informational packet is available for public inspection at the Traverse Area District Library, Law Enforcement Center, City Manager's Office, and City Clerk's Office.

The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, MI 49684, 922-4440-TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

At the request of City Manager Marty Colburn, City Clerk Benjamin Marentette has called this Special Meeting.

City Commission:

c/o Benjamin C. Marentette, MMC, City Clerk

(231) 922-4480

Email: tcclerk@traversecitymi.gov

Web: www.traversecitymi.gov

400 Boardman Avenue

Traverse City, MI 49684

The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.

Welcome to the Traverse City City Commission Special Meeting!

Any interested person or group may address the City Commission on any agenda item when recognized by the presiding officer or upon request of any commissioner. Also, any interested person or group may address the City Commission on any matter of City concern not on the Agenda during the agenda item designated Public comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Commission.

Agenda

Pledge of Allegiance

Roll Call

1. Discussion regarding a draft policy for in-street pedestrian signs. (Marty Colburn, Penny Hill)
2. Discussion regarding a recommendation from the City Clerk and City Attorney for a November 2016 ballot proposal for a Charter amendment which would eliminate the requirement that petitions for an ordinance referendum or initiative be accompanied by an affidavit and instead sign an acknowledgement provided by the City Clerk at the time of filings. (Marty Colburn, Benjamin Marentette, Lauren Tribble-Laucht)
3. Discussion regarding the process for approving public art. (Marty Colburn, Benjamin Marentette)
4. Consideration of authorizing a contract amendment to provide for additional professional services in connection with the Eighth Street Planning and Design Charrette. (Marty Colburn, Russell Soyering) (5 affirmative votes required)

5. Consideration of entering into closed session to discuss the periodic personnel evaluation of City Attorney Lauren Tribble-Laucht as requested by Ms. Tribble-Laucht. (Lauren Tribble-Laucht)
6. Consideration of entering into closed session to discuss the periodic personnel evaluation of City Manager Marty Colburn, as requested by Mr. Colburn. (Marty Colburn)
7. Announcements from the City Clerk. (Benjamin Marentette)
8. Public comment.
9. Adjournment.



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION MEETING OF JUNE 27, 2016

DATE: JUNE 24, 2016

FROM: ^{MBC} MARTY COLBURN, CITY MANAGER

SUBJECT: JUNE 27 SPECIAL MEETING

This memo covers the items for Monday's Special Meeting.

1. *Discussion regarding a draft policy for in-street pedestrian signs.*

Attached is a memo from Assistant City Manager Penny Hill outlining key components of a draft policy for in-street pedestrian signs. Ms. Hill will provide an overview at the meeting on Monday and will be seeking feedback from the City Commission on the type of pedestrian sign that should be incorporated into the policy.

2. *Discussion regarding a recommendation from the City Clerk and City Attorney for a November 2016 ballot proposal for a Charter amendment.*

Attached is a memo from City Clerk Benjamin Marentette and City Attorney Lauren Tribble-Laucht recommending the City Commission place a proposal on the November 2016 ballot to amend the Charter as it relates to a procedural matter for initiatory and referendary ordinance petitions. As indicated by the City Clerk and City Attorney, if the City Commission is supportive, they will place a resolution on the July 5 agenda for consideration by the Commission.

3. *Discussion regarding the process for approving public art.*

Attached is a memo from City Clerk Benjamin Marentette following-up on City Commission discussion at the May 2 Regular Meeting when the relocation of the Bryan Crough Memorial from Radio Centre Phase 3 to Lay Park was approved. At that meeting, the City Commission requested additional discussion on the role of the Parks and Recreation Commission in circumstances where public art would be placed in City parks.

4. *Consideration of authorizing a contract amendment to provide for additional professional services in connection with the Eighth Street Planning and Design Charrette.*

Attached is a memo from Russell Soyring, City Planning Director, recommending a contract amendment for additional professional services for the Eighth Street Planning and Design Charrette. The additional services total \$8,563; and MSHDA is providing the funding.

I recommend the following motion (5 affirmative votes required):

that the Mayor and City Clerk execute an amendment to the contract with Farr Associates for additional professional services associated with the planning and design charrette for the Eighth Street Corridor (contract originally authorized February 16, 2016), in the amount of \$8,563, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney, with funds available in the Corridors Implementation CIP section of the General Fund.

5. *Consideration of entering into closed session to discuss the periodic personnel evaluation of City Attorney Lauren Tribble-Laucht as requested by Ms. Tribble-Laucht.*

City Attorney Lauren Tribble-Laucht has requested a closed session regarding her personnel evaluation, which is on file with the City Clerk. The following motion would be appropriate to enter into closed session immediately following public comment.

A roll call vote with four affirmative votes is required.

that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the periodic personnel evaluation of City Attorney Lauren Tribble-Laucht, as requested by the City Attorney, and as authorized by MCL 15.268(a).

6. Consideration of entering into closed session to discuss the periodic personnel evaluation of City Manager Marty Colburn, as requested by Mr. Colburn.

I request a closed session with the City Commission to discuss my periodic personnel evaluation. The following motion would be appropriate to enter into closed session immediately following public comment.

A roll call vote with four affirmative votes is required.

that the City Commission enter into closed session immediately following the public comment portion of the agenda to consider the periodic personnel evaluation of City Manager Marty Colburn, as requested by the City Manager, and as authorized by MCL 15.268(a).

MC/bcm

k:\tcclerk\city commission\study sessions\20160627


copy: Mary Bevans Gillett, Public Arts Commission Chairwoman
Dave Green, Director of Public Services
Lauren Vaughn, Parks and Recreation Superintendent
Russ Soyering, City Planning Director
Jean Derenzy, Grand Traverse County Deputy Director for Planning and Development

Memorandum

The City of Traverse City
City Manager's Office



TO: Martin Colburn, City Manager

FROM: Penny Hill, Assistant City Manager 

DATE: June 6, 2016

RE: Proposed Policy for Placement of In-Street Pedestrian Signs

Background:

In 2011, the City Commission adopted an Ordinance to amend the Uniform Traffic Code to require the driver of a vehicle to stop and yield the right-of-way to every pedestrian within a marked crosswalk, and within an unmarked crosswalk at an intersection. (see copy of Code of Ordinances Section 410.03 attached)

Subsequent to the adoption of this Ordinance, the City purchased several in-street pedestrian signs (sign template is attached) to educate drivers about the City Ordinance. The signs were placed at several locations, with a focus on Front Street between Boardman Avenue and Pine Street. Based on observations by the Engineering Dept. and Police Dept., the in-street sign program has been successful in modifying driver behavior and acts as a traffic calming measure.

Recently, we have received a number of requests for these signs in locations throughout the City; however, studies have shown that excessive use of signs and pavement markings can substantially reduce the effectiveness of the devices.

In order to have a systematic approach toward the number and location of the in-street pedestrian signs, and to ensure their continued efficacy, the Transportation Committee (formerly Traffic Committee) consisting of City staff has been working on a draft policy for the placement of these signs. Some of the highlights of the proposed policy include:

1. There shall be no more than twelve approved sign locations within the City Limits, with the exception of school zones, at any given time. This is to prevent overuse and a decrease in effectiveness of the signs. Priority will be given to locations with the highest pedestrian crossing volumes.
2. Relevant speed, volumes, accident records, pedestrian counts, sight obstructions and demographic analysis (seniors, children, persons with disabilities) shall be reviewed when considering In-Street Pedestrian

Crossing Sign installations.

3. The sign should only be used at key locations, such as high pedestrian volume crosswalks on streets with high traffic counts, to avoid overuse.
4. The sign shall only be used on streets with vehicle traffic volumes that exceed 5,000 vehicles per day, except in school zones.
5. The sign shall only be used in 25 mph or lower speed zones.
6. Any of the following supplemental conditions may warrant the sign's installation:
 - a. Those locations adjacent to and along established pedestrian routes to and from a school .
 - b. Locations adjacent to community centers, libraries, and other high use public facilities.
 - c. Locations adjacent to public parks.
 - d. Locations where accident records, sight obstructions and/or pedestrian volume warrants the installation.
 - e. Locations where significant numbers of persons with disabilities cross a street.
 - f. Locations where significant numbers of senior citizens cross a street.
7. The devices may be purchased and placed, in accordance with the above criteria, by the Traverse City Area Public Schools System and Grand Traverse Area Catholic Schools System. The School System must use the same style device system-wide in order to provide consistency throughout the Municipality. The Engineering Department will work with the School System to ensure the appropriate device is used and will advise on number and placement within the school zone. No reduced size in-street School Advance Warning (S1-1) sign will be allowed.

While discussing the proposed policy the Transportation Committee was advised by law enforcement that the County Magistrate does not feel that the local ordinance can be enforced since the sign that is used does not conform to state law. A sample of both the local ordinance sign and the Manual of Uniform Traffic Code Design sign is attached. City staff has determined that the City should experience no greater potential for liability through the use of the local ordinance sign than if it were to use the State-Recognized sign. NOTE: If the recommendation is to utilize the State Recognized sign, then the current Ordinance will need to be amended.

Request:

City staff is seeking guidance from the City Commission with respect to the type of sign that should be incorporated into the proposed In-Street Pedestrian Sign Policy. Please place this item on the agenda for a future Study Session of the City Commission.

CHAPTER 410

Traffic Codes

410.01	Adoption by reference.	410.04	Amendments to Motor Vehicle Code
410.02	Definitions.	410.05	Applications to Northwestern Michigan
410.03	Amendments to Uniform Traffic Code		College Property

CROSS REFERENCES

Traffic Violations Bureau - see CHTR. Sec. 69

Traffic rules and regulations in home rule cities - see MCL. Sec. 117.4h

Traffic rules and regulations generally - see MCL Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see MCL Secs. 257.951 et seq.

Motor Vehicle Code - see MCL 257.1 to 257.923

Parking Violations Bureau - see TRAF. Ch. 488

Traffic citations - see TRAF. 488.05

410.01 ADOPTION BY REFERENCE.

- a) *Uniform Traffic Code.* The Uniform Traffic Code for Cities, Townships and Villages, sometimes hereinafter referred to in this Traffic Code as the Uniform Traffic Code, promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code, and amendments as published in the 1981 and 2002 Annual Supplement to the Michigan Administrative Code, in accordance with Act 62 of the Public Acts of 1956, as amended (Administrative Rules R 28.1001 - 28.2075), except as hereafter may be amended or deleted, are hereby adopted by reference as if fully set forth herein, except as may be hereinafter amended or deleted.
- b) *Michigan Vehicle Code.* The Michigan Vehicle Code, 1949 PA 300; MCL 257.1 to 257.923, as amended, is adopted by reference as if fully set forth herein, except as may be amended or deleted. References in the Michigan Vehicle Code to local "authorities" shall mean the City of Traverse City. The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the City may not impose a penalty of imprisonment for greater than 93 days.

(Ord. 204. Passed 6-16-86. Ord. 580. Passed 10-21-02.)

410.02 DEFINITIONS.

References in the Uniform Traffic Code for Cities, Townships and Villages, as adopted in Section 410.01, to the following words and phrases shall have the following meanings:

- a) "Governmental unit" shall mean the City.
- b) "Traffic engineer" shall mean the City Manager or his or her designee.

(Ord. 338. Passed 9-21-92.)

410.03 AMENDMENTS TO UNIFORM TRAFFIC CODE.

The following sections and subsections of the Uniform Traffic Code for Cities, Townships and Villages, as adopted in Section 410.01, are hereby amended or deleted as set forth and additional sections and subsections are added as indicated.

R 28.1001 Rule 1. (Amended) Words and phrases.

1. As used in this code:

(j) (Added) "Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by appropriate markings, signs, barriers, or other devices to give notice thereof.

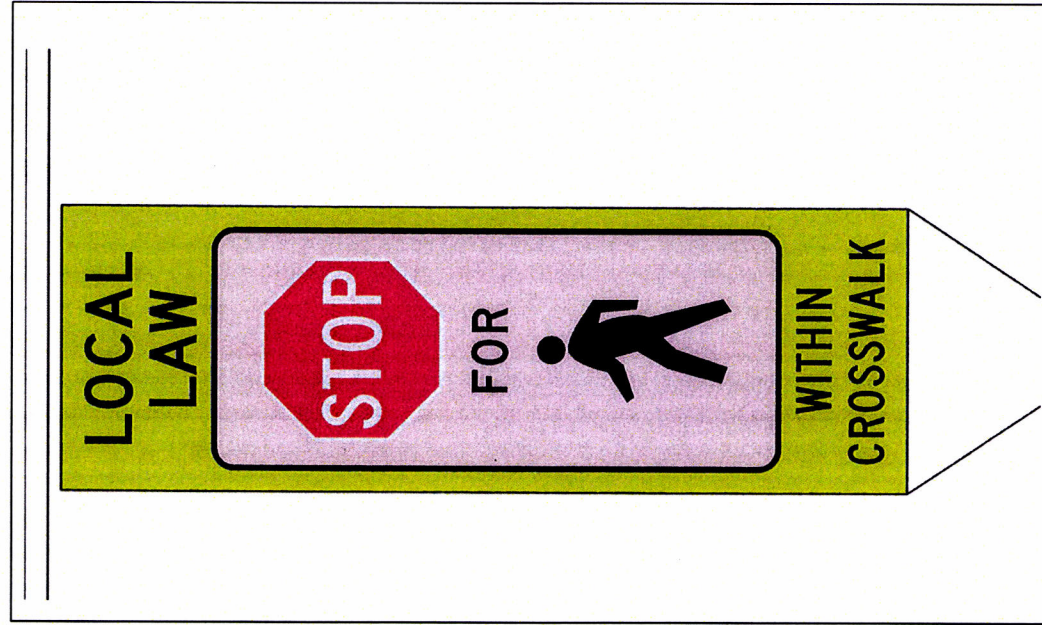
(s) (Added) "Through or thru," when prohibited, means a vehicle traveling a highway or street that does not have an origin, destination, or scheduled stop on that highway or street.

- (a) Rule 159. Presumption of vehicle weight. (Added) A presumption of the minimum weight of a vehicle shall be established by evidence of the weight indicated on the Michigan registration certificate for the truck or other commercial vehicle in question.
- (b) Rule 160. Authority of City Engineer; closing streets. (Added) Unless otherwise provided by law, the City Engineer is hereby authorized to close any highway, street, alley or other right-of-way or portion thereof which is under process of construction, improvement or repair, by placing traffic control devices in accordance with the Michigan Vehicle Code. A person who violates this section is responsible for a civil infraction.
- (c) Rule 551 Boarding or alighting from vehicles. (Added) No person shall board or alight from any vehicle while such vehicle is in motion. A person who violates this section is responsible for a civil infraction.
- (d) Rule 619. Lights and reflectors. (Added) No person shall operate a bicycle on any street, alley or public place from one-half hour after sunset to one-half hour before sunrise, unless the bicycle is equipped with lights and reflectors as required by the Motor Vehicle Code applicable to bicycles, and unless the same are operating. A person who violates this section is responsible for a civil infraction.
- (e) Rule 631. Bicycle parking. (Added) No person shall park a bicycle in any street, alley or public place, except in a standing position, and no person shall park a bicycle on any sidewalk except in standards provided therefore. A person who violates this section is responsible for a civil infraction.

(f) Rule 702. Pedestrians; right-of-way in crosswalk; violation as a civil infraction. (Amended)

- 1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall stop and yield the right-of-way to every pedestrian within a marked crosswalk.
- 2. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to every pedestrian within an unmarked crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger
- 3. A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it would be impossible for the driver to stop and yield.
- 4. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- 5. A person who violates this rule is responsible for a civil infraction.

(g) Rule 706. Pedestrians; yielding right-of-way; violation as a civil infraction. (Deleted).



The City of Traverse City

Office of the City Manager

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4440
(231) 922-4476 Fax
tcmanage@traversecitymi.gov



TRAFFIC CONTROL ORDER NO.: 600 DATE: April 25, 2016

The following signs regulating traffic shall be installed at the following designated locations:

“Stop for Pedestrian in Crosswalk”

shall be placed on Front St

- at both pedestrian crosswalks at the intersection of Front St and Boardman Ave
- at both pedestrian crosswalks at the intersection of Front St and Hall/Wadsworth St
- at both pedestrian crosswalks at the intersection of Front St and Oak St
- at both pedestrian crosswalks at the intersection of Front St and Maple St
- at both pedestrian crosswalks at the intersection of Front St and Pine St

on Boardman Ave

- at the pedestrian crosswalk at the intersection of Front St and Boardman Ave

on Cass St

- at the pedestrian crosswalk between Front St and State St
- at the pedestrian crosswalk at the intersection of Cass St and Washington St

and on Pine St

- at the pedestrian crosswalk at the intersection of Front St and Pine St

to improve pedestrian safety.

Martin Colburn
City Manager

TEMPORARY TRAFFIC CONTROL ORDER TO BE IN EFFECT FOR 90 DAYS

Recommended by the City of Traverse City Transportation Committee on April 21, 2016.

I certify that this Traffic Control Order was made permanent by the City Commission at its meeting held on _____, in the Commission Chambers, second floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Benjamin Marentette, MMC, City Clerk

Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager

FROM: Benjamin Marentette, City Clerk
Lauren Tribble-Laucht, City Attorney

DATE: Thursday, June 23, 2016

SUBJECT: PROPOSED CHARTER AMENDMENT – CITY CHARTER SECTION 144

Currently, City Charter Section 144 provides an extraordinary requirement for initiatory and referendary ordinance petitions that each petition paper have an affidavit attached to it that indicates the number of signatures on that petition. We understand that the purpose of this provision is to provide a safeguard against fraud – or alleged fraud – where petitions could be altered after their filing with the City Clerk.

This provision became an issue when petitions were filed with the City Clerk's Office last November which sought to change the City's Zoning Ordinance; the petitions lacked the affidavit, which then required that they be rejected. At that time, we both discussed, thoroughly, options for not rejecting the petitions based on a technicality and the City Clerk contacted legal counsel at the Michigan Department of State to determine if the City Clerk has flexibility in waiving the requirement for an affidavit as required by the City Charter. Ultimately, there was no such flexibility.

However, because the requirement for an affidavit for these types of ballot initiatives is an extraordinary requirement and the overall purpose of the requirement can be accomplished in a way that does not place the burden on the petitioner, we are recommending the City Commission place a Charter amendment before the voters at the November election. Our proposal, in essence, would eliminate this scenario where petitions must be rejected by the City Clerk on a rather unique technicality.

Please see the attached proposed City Charter language that would need to be approved by the electorate. This language provides that instead of petitioners attaching an affidavit to each petition paper stating the number of signatures on each petition paper, the City Clerk would provide an acknowledgement at the time such petitions are filed that states the number of signatures. This acknowledgment would be countersigned by the filer and will specifically state that the acknowledgement is not a certification by the City Clerk as to the validity of any signatures or the petition.

If the City Commission is supportive of this recommendation, we will present a resolution for the City Commission's consideration at the July 5 Regular Meeting which would place the Charter amendment proposal on the November 8, 2016, General Election ballot.

Office of the City Clerk, 400 Boardman Avenue, Traverse City, MI 49684
(231) 922-4480 tcclerk@traversecitymi.gov

CHAPTER XV

RECALL; INITIATIVE; REFERENDUM

Section 142. **Recall.** Any elective officer may be removed from office by the electors in the manner provided by the general laws of the State of Michigan. A vacancy created by the recall of any elective officer shall be filled by election in the manner prescribed by law. No person who has been removed from office by recall, or who has resigned from such office while recall proceedings are pending against him, shall be appointed to any office within one (1) year after such recall or resignation.

Section 143. **Initiative and Referendum.** An ordinance may be initiated by petition or a referendum on an ordinance enacted by the City Commission or on any decision to build or acquire a power generation facility may be had by a petition as hereinafter provided. An ordinance sought to be initiated by petition shall be fully set forth on the petition or as an attachment thereto. If the ordinance is more than three pages, it may be incorporated by reference and filed with the City Clerk at all times while the petition is being circulated. (Amended 11-2-1999 and 11-2-2010.)

Section 144. **Petitions.** An initiatory or a referendary petition shall be signed by registered qualified electors of the City in number equal to twenty-five percent (25%) of the highest vote for any Commissioner at the last regular City Election prior to the filing of the petition. Before being circulated for signatures, all such petitions shall be approved as to form by the City Attorney. No such petition need be on one paper, but may be the aggregate of two or more petition papers. Each signer of a petition paper shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating ~~the number of signers thereto and~~ that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. At the time of filing the petition papers, the City Clerk shall provide a receipt on a form supplied by the City Clerk, indicating the total number of petition papers filed with the City Clerk and the total number of signatures submitted on the petitions; such form shall indicate that it shall not be construed as certification by the City Clerk as to the sufficiency of any signatures on the petitions nor the sufficiency of the petition papers themselves and it shall be countersigned by the filer of the petition papers. The circulator for any such petition shall at all times of circulation be an adult resident of the City. Any such petition shall be filed with the City Clerk who shall, within ten (10) days, determine the sufficiency thereof and so certify. If found to contain an insufficient number of names of qualified electors of the City, or to be improper as to form or compliance with the provisions of this section, ten (10) days shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the City Clerk shall present the petition to the City Commission at its next regular meeting. A referendum petition on any decision to build or acquire a power generation facility shall be filed within 45 days from the decision. (Amended 11-2-1999 and 11-2-2010).

Section 145. **Commission Procedure.** Upon receiving a certified initiatory or referendary petition from the City Clerk, the City Commission shall, within thirty (30) days, either (a) if it be

an initiatory petition, adopt the ordinance; (b) if it be a referendary petition, repeal the ordinance; or (c) in either case, determine to submit the proposal to the electors.

Section 146. **Submission to Electors.** Should the City Commission decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose or, in the discretion of the City Commission, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Section 147. **General Provisions.** The certification by the City Clerk of the sufficiency of a referendary petition within twenty (20) days after the passage of the ordinance to which such petition refers shall automatically suspend the ordinance in question pending repeal by the City Commission or final determination of the electors, as the case may be. No referendum shall be had on any ordinance based on a franchise or a contract unless referendary petitions are filed within twenty (20) days after the passage of such ordinance, unless a provision therefor is specifically provided for therein. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the City Commission for a period of two (2) years, and then only by the affirmative vote of not less than five (5) Commissioners. Should two or more ordinances adopted at the same election have conflicting provisions the one receiving the highest vote shall prevail as to those provisions.


Memorandum

The City of Traverse City



TO: Marty Colburn, City Manager

COPY: Mary Bevans Gillett, Traverse City Arts Commission Chairwoman
Dave Green, Director of Public Services
Lauren Vaughn, Parks and Recreation Superintendent
Katie Zeits, Deputy City Clerk

FROM: Benjamin Marentette, City Clerk 

DATE: Thursday, June 23, 2016

SUBJECT: PUBLIC ART – PARKS AND RECREATION COMMISSION

At the May 2, 2016, Regular Meeting, the City Commission approved a request from the Traverse City Arts Commission to relocate the Bryan Crough Memorial to Lay Park. At that time, the City Commission indicated its desire to have the Parks and Recreation Commission approve locating the memorial in Lay Park.

At that meeting, the City Commission indicated its desire to have further discussion to amend the Public Art ordinance to provide for Parks and Recreation Commission review when public art is proposed to be located in a City park.

At the Study Session on Monday, it would be helpful to gain feedback from the City Commission on if it would like staff to prepare an ordinance amendment to formalize the role of the Parks and Recreation Commission in terms of locating public art in a City park. If so, to maintain the purpose of the Arts Commission, I propose that the Parks and Recreation Commission's specific role would be to approve the general location of public art in City parks. The Parks and Recreation Commission could then examine such requests using criteria such as the Parks and Recreation Master Plan; proposed capital improvements and the unique characteristics of the park.

Thank you, and as always, please let me know if you have any questions.

K:\tcclerk\city commission\ordinance amendments\public arts commission parks and rec

CHAPTER 299

Public Art

299.01	Purpose and Intent
299.02	Definitions
299.03	Establishment
299.04	Establishment of public arts trust
299.05	Inclusions and exclusions relative to expenditures for public art
299.06	Traverse City Arts Commission; composition; terms of office; compensation; expenses
299.07	Vacancies
299.08	Organization
299.09	Duties

299.01 PURPOSE AND INTENT

The City Commission of Traverse City finds that the presence of public art advances the interests of the City, increases its desirability, aids in the enhancement of property values, promotes economic growth, and contributes to the general welfare of the City's citizens. The City Commission believes that public art should be encouraged and, therefore, establishes the following regulations to direct the inclusion of the works of art in the public spaces of the City. (Ord. 1014. Passed 2-17-15)

299.02 DEFINITIONS

- (a) "Arts Commission" shall mean the Traverse City Arts Commission established pursuant to Section 30 of the City Charter.
- (b) "Art Selection Panel" shall mean a five-member panel appointed by the Traverse City Arts Commission, who reviews proposals made under this ordinance and make recommendations to the Arts Commission.
- (c) "Eligible Fund" shall mean a source fund for construction projects from which art is not precluded as an object of expenditure. Eligible Funds shall exclude those funds expended for construction of utilities.
- (d) "Public Arts Trust" shall mean a fund established by the City Treasurer to be used consistent with its duties as outlined in this Chapter.
- (e) "Public Art" shall mean Works of Art located in highly visible public areas or private property areas that are highly visible from public areas. These are:
 - (1) Outdoor areas on public property or outdoor areas on private property that are highly visible from public areas.
 - (2) Interior areas that are highly traveled public areas in public or private buildings. Specifically excluded are interior areas not accessible to the general public (offices, work stations, cafeterias).
 - (3) Interior and exterior wall surfaces on or in public or private buildings when the work of art is attached to the wall surface, such as a mosaic or mural and the wall surface is visible from an area that is highly traveled by the public.
 - (4) Notwithstanding anything to the contrary contained in this Chapter, unless funding from the Public Arts Trust is provided for the Public Art, this Chapter

shall not apply to Public Art to be located on real property not otherwise subject to City authority.

- (f) "Works of Art" shall mean all forms of original creations of visual art, including, but not limited to:

- (1) Sculpture: In the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
- (2) Painting: All media, including portable and permanently affixed works, such as murals and frescoes.
- (3) Architectural Design Features: Visual interest that may be freestanding or placed on roadway structural features such as noise walls, retaining walls, sidewalks, bridges, bike paths or approved engineered structures.
- (4) Mosaics.
- (5) Mixed media: Any combination of forms or media including collage.
- (6) Digital art: An artistic work or practice that uses digital technology as an essential part of the creative or presentation process.
- (7) Photography.

(Ord. 1014. Passed 2-17-15)

299.03 ESTABLISHMENT

There is hereby established an Arts Commission pursuant to Section 30 of the City Charter and upon recommendation of the City Manager.

(Ord. 1014. Passed 2-17-15)

299.04 ESTABLISHMENT OF PUBLIC ARTS TRUST

There is hereby established a "Public Arts Trust" fund into which will be deposited the funds appropriated pursuant to this Chapter and from which expenditures may be made for the acquisition, commission, exhibition, and maintenance of works of art consistent with this Chapter.

- (a) Funding For Public Art: The City Commission shall annually appropriate funds from the general fund to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter. The Downtown Development Authority shall annually appropriate funds to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter within the Downtown District.
- (b) Private Funding of Public Art: All funds placed into the Public Art Fund through private donations or donations creating an exemption shall be expended for Public Art as hereafter provided.

(Ord. 1014. Passed 2-17-2015)

299.05 INCLUSIONS AND EXCLUSIONS RELATIVE TO EXPENDITURES FOR PUBLIC ART

- (a) Inclusions. The portion of the Public Arts Trust reserved for Works of Art may be expended for the following:
 - (1) The cost of the Public Art and its installation.
 - (2) Identification plaques and labels.

- (3) Waterworks, electrical and mechanical devices and equipment which are an integral part of the Public Art.
 - (4) Frames, mats, and simple pedestals necessary for the proper presentation of the Public Art.
 - (5) Maintenance and repair of the surface of the Public Art.
 - (6) Fees to artists for the execution of final proposals for the arts commission to select from.
 - (7) Exhibitions, marketing and educational programs.
 - (8) For the support of artistic special events at a cost not to exceed five percent of the appropriation reserved for the Public Art.
 - (9) Administrative expenses at a cost not to exceed fifteen percent of the appropriation reserved for the Work of Art.
- (b) Exclusions. The portion of the Public Arts Trust reserved for Works of Art may not be expended for the following:
- (1) Reproductions by mechanical or other means of original Works of Art, however, limited editions controlled by the artist may be included.
 - (2) Art objects which are mass produced or of standard designs, such as playground sculpture or fountains.

(Ord. 1014. Passed 2-17-15)

299.06 TRAVERSE CITY ARTS COMMISSION; COMPOSITION; TERMS OF OFFICE; COMPENSATION; EXPENSES

The Traverse City Arts Commission will consist of nine members who will be registered electors of the City or members of the Downtown Development Authority Board of Directors and will have evidenced interest in the advancement of Public Art in the City of Traverse City. The City Commission will appoint four members from the following public bodies of the City: one from the Parks and Recreation Commission, one from the Downtown Development Authority Board of Directors, one from the Planning Commission, and one from the City Commission. The City Commission will appoint the remaining four members of the Traverse City Arts Commission from the registered electors of the City. The City Manager, or the designee of the City Manager, shall be a member of such an advisory committee with full authority of vote.

All members of the Traverse City Arts Commission, excluding those appointed from the Parks and Recreation Commission, Downtown Development Authority Board of Directors, Planning Commission, and City Commission, will be appointed to terms of three years. All members of the Traverse City Arts Commission appointed from the Parks and Recreation Commission, Downtown Development Authority Board of Directors, Planning Commission, and City Commission will be appointed to terms of three years or for the length of their terms on their respective public bodies, whichever is shorter. Members will be eligible for reappointment. Members will serve without compensation, but may be reimbursed for actual expenses incurred in Commission activities consistent with this Chapter.

The Art Selection Panel, a five-member panel appointed by the Traverse City Arts Commission, will review proposals and make a recommendation to the Traverse City Arts Commission. The Art Selection Panel shall be comprised of one representative from the Arts Commission and four arts professionals, who have knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) and who understand the challenges of Public Art, actively

participate in the selection process of artists and/or artists teams. Members of the Art Selection Panel will be appointed to terms of three years.

In cases where there are one or more stakeholders, the Arts Commission may choose to appoint additional non-voting members representing stakeholders to the Art Selection Panel.
(Ord. 1014. Passed 2-17-15)

299.07 VACANCIES

In the event of a vacancy on the Arts Commission that cannot otherwise be filled consistent with this section, the City Commission will appoint a replacement to serve the remainder of the unexpired term.
(Ord. 1014. Passed 2-17-15)

299.08 ORGANIZATION

- (a) The Arts Commission will schedule regular meetings to be held at least once each month and at other times as necessary. All meetings shall comply with the Open Meetings Act.
- (b) At the first regularly scheduled meeting, the Arts Commission will develop by-laws governing the operations of such Commission.
- (c) At the first regularly scheduled meeting, a Chairperson and a Vice-Chairperson will be elected to a term of one year. Administrative staff may act as the Recording Secretary and Administrative Manager of the Arts Commission. Officers thereafter will be elected to one-year terms upon the expiration of the terms of the previously elected officers.
- (d) Five members will be considered a quorum for the transaction of business of the Arts Commission.

(Ord. 1014. Passed 2-17-15)

299.09 DUTIES

- (a) The Arts Commission will develop a Public Art Master Plan and recommend its adoption to the City of Traverse City Planning Commission, Parks & Recreation Commission and City Commission. The Arts Commission shall regularly assess its consistency with City Master Plan and Parks and Recreation five-year plan.
- (b) It will be the duty of the Arts Commission to study and recommend a policy and guidelines to carry out the City's public art program and Public Art Master Plan, and any amendment thereto, which will include, but will not be limited to, a method or methods for the selection of artists or works of art and for the placement of Public Art in the City.
- (c) Recommend the purchase of works of Public Art or commission the design, creation, execution, and/or placement of works of Public Art and the payment therefore from the Public Arts Trust pursuant to the following procedure:
 - (1) Prior to sending out a Request for Proposal (RFP) or Request for Qualifications (RFQ), the Arts Commission shall present a conceptual project to the City Commission and seek authorization from the City Commission for an authorized budget of funds from the Public Arts Trust and for authorization for the appropriate signatories to enter into an agreement on behalf of the City with an artist to be selected and recommended by the Arts Commission for the specific project under consideration. If the City approves the conceptual project the City

Commission shall authorize the necessary individuals to execute documents necessary to carry out the project subject to recommendation of the artist by the Arts Commission.

- (2) The Arts Commission will then assess the project, establish selection criteria and meet with stakeholders, if any, to be involved in the vision.
 - (3) The Arts Commission will seek approval of a site plan from the appropriate staff.
 - (4) The Arts Commission will prepare and send out the RFP or RFQ.
 - (5) The Arts Commission shall evaluate the proposals submitted in response to the RFP/RFQ and select an artist for the project.
 - (6) Once an artist is selected and a final budget agreed upon, the City will enter into a contract with the artist. The dollar amount of the contract is subject to the funds approved by City Commission and allocated to the project and the artists' fees and fabrication costs, as well as other expenses as allowed under the terms of this Chapter.
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- (d) The Arts Commission shall be responsible for promoting arts in the community, to include, but not be limited to, dissemination of knowledge with regard to arts, recognizing local artists and their work when appropriate, and cooperation with metropolitan agencies also dealing in the arts.
 - (e) The Arts Commission shall be responsible for reviewing Public Art proposed to be donated to be in compliance with the public art program and Public Art Master Plan. If the Arts Commission determines the proposed Public Art is not in compliance, it shall advise and provide steps to have the proposed donated Public Art comply with the applicable requirements and standards.
 - (f) Recommend that site plans be approved by appropriate department heads.
 - (g) Recommend that any proposed Public Art will be reviewed by the department head responsible for operation or maintenance.
 - (h) Study and recommend rules and regulations consistent with this Chapter to facilitate the implementation of its duties and responsibilities under this Chapter.
 - (i) Advise the City Commission on matters pertaining to the arts programs within the city including review of requests for support, monetary or otherwise, submitted to the City; advise on the priority of such requests for or donations and placement of Public Art.
 - (j) The Arts Commission will have such other duties as designated by the City Commission from time to time.

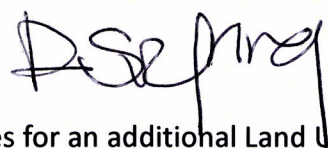
(Ord. 1014. Passed 2-17-15)

Memorandum

The City of Traverse City
Planning Department



TO: MARTY COLBURN, CITY MANAGER

FROM: RUSS SOYRING, PLANNING DIRECTOR 

SUBJECT: Contract change # 1 for Farr Associates for an additional Land Use and Housing Workshop for Eighth Street Charrette

DATE: June 23, 2016

Near the conclusion of the five-day charrette, both the City Planner and Farr Associates agreed that an additional workshop was warranted in order to properly reflect the community's interest in the building form and intensity along the study area.

Michigan Housing Development Authority (MSHDA) is one of funding partners for the Envision Eighth Street Charrette and fortunately, with the help of Doug Farr and Jean Derenzy, our Community Development Director, this agency has agreed to pay for the additional services. The additional services include conducting developer interviews to better understand the factors affecting the development environment and to hold an additional workshop to gather additional public input and preferences relating to workforce housing, building height and building character.

The original contract from Farr Associates was for \$ 105,000 was approved on February 16, 2016.

I recommend that the Farr Associates contract be amended to incorporate additional services in the amount of \$8,563.00 to conduct developer interviews and an additional workshop to focus on land use and workforce housing along Eighth Street with funds to pay for these additional services coming from MSHDA through Grand Traverse County. In addition, the timetable for activities should also be extended to September 30, 2016 to accommodate the additional services.

Attachments: Letter from Farr Associates dated June 23, 2016.

June 23, 2016

Russell A. Soyring, AICP
Planning Director
City of Traverse City
400 Boardman Avenue
Traverse City, MI 49684

RE: Envision Eighth Charrette Additional Services

Dear Russ,

As the workforce housing topic emerged mid-week in the Envision Eighth Charrette, there was not sufficient time to fold it into the work plan, and an additional public meeting and developer outreach is sought to seek input on this key issue. We propose the following tasks to accomplish this:

Task 1: Developer Interviews

Proposed Fee: \$2,165

Farr Associates will conduct interviews with up to six developers or firms to understand the factors affecting the current development environment on Eighth Street and how proposed regulatory changes relating to building height and workforce housing could affect that environment.

Deliverable: Developer interview summary document

Task 2: Land Use & Workforce Housing Workshop

Proposed Fee: \$5,998

We will utilize the previously scheduled public meeting date of June 29, 2016 for the master plan open house, re-programming it as a workshop focused on workforce housing and land use topics.

Input gathered at this workshop will help answer remaining questions about community preferences for the future of the corridor relating to workforce housing, building height, and building character. Meeting attendees will:

- View drafts of the Eighth Street Master Plan, Streetscape & Cycle Track Plan, and Zoning Map, developed directly out of the May Charrette.
- Participate in the development of the Form-Based Code for Eighth Street

- Participate in exercises to determine preferences about workforce housing, building height, and building character.

Deliverable: Workshop materials and workshop results summary

Expenses

\$400

Items included in expenses:

- Car rental for one (1) day
- Accommodations for two staff for one night

Total Fees

Task 1: Developer Interviews	\$2,165
Task 2: Land Use & Workforce Housing Workshop	\$5,998
Expenses	\$400
<hr/>	
TOTAL	\$8,563

Sincerely,



Douglas Farr, FAIA, LEED AP
President, Farr Associates